

# Hearing Officer Transmittal Checklist

Hearing Date

04/05/2016

Agenda Item No.

12

Project Number: R2015-01021-(5)

Case(s): Conditional Use Permit Case No. 201500046

Planner: Steve Mar

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☐ Previous CUP Conditions of Approval
- ☒ Burden of Proof Statement
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Findings and Conditions of R2007-00425-(5) / CUP200700040

Reviewed By: 



Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**PROJECT NUMBER**

R2015-01021-(5)

**HEARING DATE**

April 5, 2016

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201500046

## PROJECT SUMMARY

**OWNER / APPLICANT**

Armenian Catholic Sisters of the Immaculate Conception /  
Armenian Sisters Academy

**MAP/EXHIBIT DATE**

2/23/16

**PROJECT OVERVIEW**

The applicant, the Armenian Sisters Academy, requests a Conditional Use Permit (CUP) for the construction of a new 13,120 sq. ft. indoor exercise gymnasium as an accessory use to an existing private school (preschool to 8<sup>th</sup> grade) in the R-3 (Limited Density Multiple Residence) zone pursuant to Los Angeles County Code Section 22.20.290. The gymnasium will be built on a site where two of the school's existing outdoor asphalt basketball courts are located. The gymnasium will be used for student physical education classes only. The gymnasium will not be used for other events and there will be no seating for spectators. The operation of the school was previously approved under CUP No. 200700040 in October 2009. In addition to the new gymnasium, the CUP would allow the continued operation of the school with a new grant term that will maintain the current maximum allowed student enrollment of 500 students and the school's current operating hours of 8:00 a.m. to 4:00 p.m., Monday through Friday for classes and 7:00 a.m. to 6:00 p.m., Monday through Friday for day care services.

**LOCATION**

2361 Florencita Dr., Montrose

**ACCESS**

via Florencita Dr. and Miravista Ave.

**ASSESSORS PARCEL NUMBER(S)**

5807-022-025

**SITE AREA**

3.08 Acres

**GENERAL PLAN / LOCAL PLAN**

Los Angeles County General Plan

**ZONED DISTRICT**

Montrose ZD

**LAND USE DESIGNATION**

3 – Medium Density Residential

**ZONE**

R-3 (Limited Density Multiple Residence)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

La Crescenta – Montrose CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 14 Categorical Exemption – Minor Additions to Schools

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.139 (La Crescenta – Montrose CSD requirements)
  - 22.20.300 (R-3 Zone Height Limits)
  - 22.20.320 (R-3 Zone Yard Requirements)

**CASE PLANNER:**

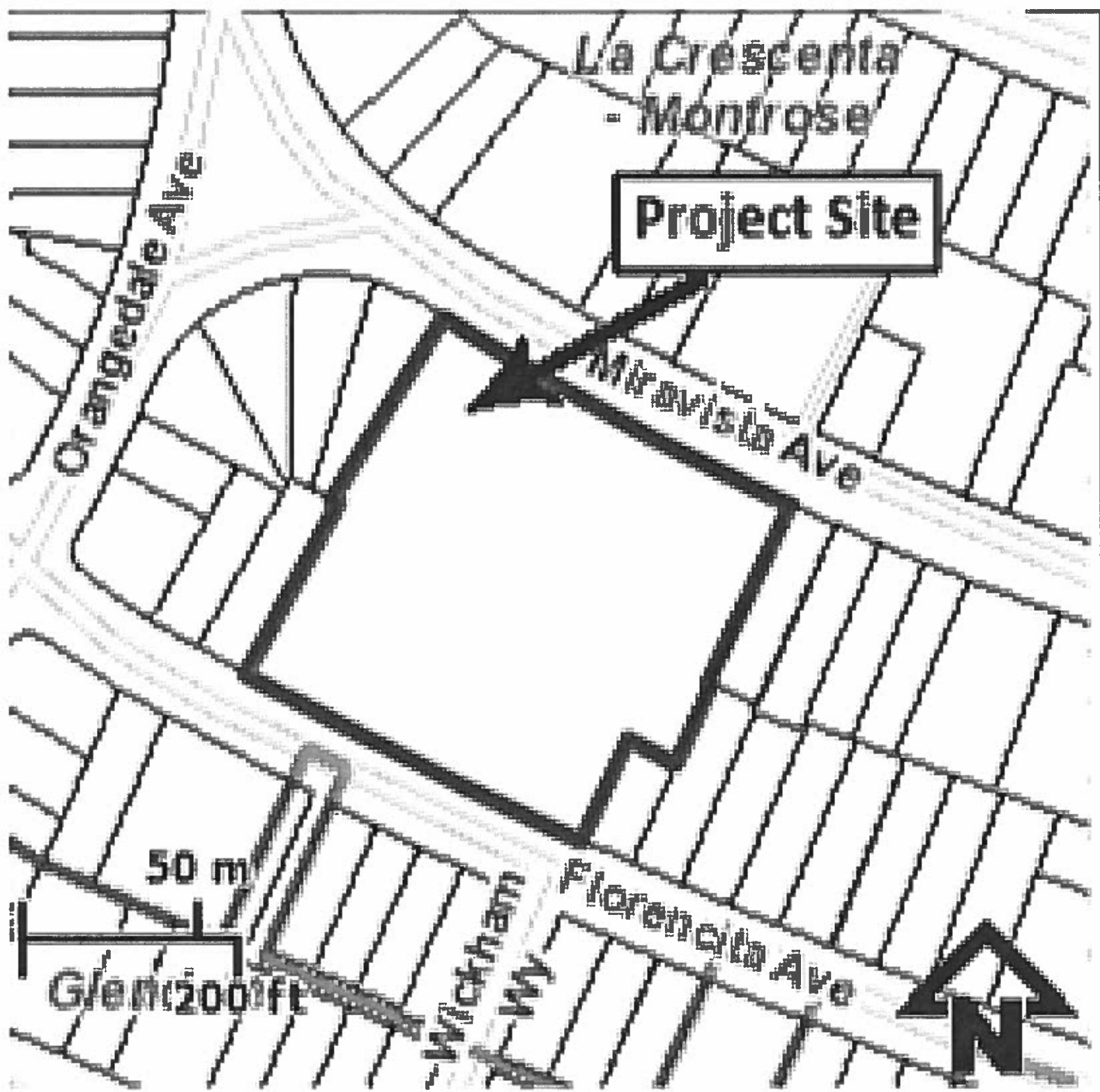
Steve Mar

**PHONE NUMBER:**

(213) 974-6435

**E-MAIL ADDRESS:**

smar@planning.lacounty.gov



### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) for the construction of a new indoor exercise gymnasium as an accessory use to an existing private school and to allow the continued operation of the school in the R-3 (Limited Density Multiple Residence) Zone pursuant to County Code Section 22.20.290.

### **PROJECT DESCRIPTION**

The applicant, the Armenian Sisters Academy, requests a Conditional Use Permit for the construction of a new 13,120 square foot indoor exercise gymnasium as an accessory use to an existing private school (preschool to 8<sup>th</sup> grade) in the R-3 (Limited Density Multiple Residence) zone pursuant to Los Angeles County Code Section 22.20.290. The gymnasium will be built on a site where two of the school's existing outdoor asphalt basketball courts are located. The gymnasium will be used for student physical education classes only and provides no seating for spectators and will not be used for other events. The operation of the school was previously approved under CUP No. 200700040 in October 2009. In addition to the new gymnasium, the CUP would allow the continued operation of the school with a new grant term that will maintain the current maximum allowed student enrollment of 500 students and the school's current operating hours of 8:00 a.m. to 4:00 p.m., Monday through Friday for classes and 7:00 a.m. to 6:00 p.m., Monday through Friday for day care services.

### **SITE PLAN DESCRIPTION**

The site plan depicts the existing school located on a 3.08 acre lot. The school consists of various classroom buildings and a multi-purpose hall building. The multi-purpose hall has a maximum occupancy load of 291 persons. The new 13,120 square foot gymnasium will be built to the north of the existing school buildings at a site that currently contains the school's outdoor basketball courts. School buildings front along Florencita Drive to the south. The site contains 109 parking spaces, with most parking spaces located to the north of the existing school buildings with vehicular access via a driveway off of Mira Vista Avenue to the north. Three (3) ADA parking spaces are located towards the front of the school and are accessed via a secondary driveway off of Florencita Drive. A third driveway off of Florencita Drive is located on the west side of the property.

### **EXISTING ZONING**

The subject property is zoned R-3 (Limited Density Multiple Residence).

Surrounding properties are zoned as follows:

North: R-3 (Limited Density Multiple Residence), C-3 (General Commercial)  
South: R-3, City of Glendale (N/A)  
East: R-3, C-2-BE (Neighborhood Commercial – Billboard Exclusion)  
West: R-3, R-2 (Two-Family Residence)

### **EXISTING LAND USES**

The subject property is developed with a school (preschool to 8<sup>th</sup> grade).

Surrounding properties are developed as follows:

North: Multi-family Residences, Single-family Residences  
South: Multi-family Residences, Single-family Residences, Commercial Retail and Office  
East: Multi-family Residences, Single-family Residences  
West: Multi-family Residences, Single-family Residences, Commercial Office

### PREVIOUS CASES/ZONING HISTORY

The previous zoning history of the subject parcel is as follows: R-3 (7/31/36).

Conditional Use Permit No. 95091: Approved 1995 for the operation and maintenance of a school.

Conditional Use Permit No. 200700040: Approved 10/20/2009 for the continued operation and maintenance of an existing school.

### ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 14 Exemption, Minor Additions to Schools) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. Categorical Exemption Class 14 allows for minor additions to existing schools within existing school grounds where the addition does not increase the original student capacity by more than 25% or ten classrooms, whichever is less. The project is proposing the addition of a new school gymnasium to be used for physical education classes only and is not proposing any seating for spectators or for events. The project does not propose increasing its current allowed maximum enrollment of 500 students and is not proposing any additional classrooms. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

### STAFF EVALUATION

#### General Plan/Community Plan Consistency

The project site is located within the 3 – Medium Density Residential land use category of the Los Angeles County General Plan. This designation is intended for areas suitable for multiple unit development. Within areas designated for residential use, a variety of other uses, such as schools, exist and General Plan policy does not preclude such uses within areas depicted as residential. The existing school and proposed new school gymnasium is compatible with its current land use designation and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic.*

The project would retain the existing school use on the site. The proposed gymnasium would enhance the existing facilities at the school while maintaining the existing residential character of the surrounding neighborhood.

- *Provide a land use mix at the countywide, areawide and community levels based on projected need and supported by evaluation of social, economic and environmental impacts.*

The project continues an existing school use with a new gymnasium in a residential neighborhood and enhances the land use mix to the area by providing an educational facility for the area.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Sections 22.20.300-330 of the County Code, establishments in the R-3 Zone are subject to the following development standards:

- No building or structure shall exceed 35 feet in height above grade. The existing school facilities and the proposed gymnasium are all less than 35 feet in height and fulfill this requirement.
- Front yards shall be not less than 15 feet and rear yards not less than 15 feet in depth. The proposed gymnasium meets these minimum yard requirements as depicted on the site plan. For side yard requirements, see La Crescenta – Montrose Community Standards District requirements below.
- Section 22.52.1200 of the County Code states that schools with students above sixth grade shall provide parking for one automobile for each five persons, based on the occupant load of the largest auditorium or room used for public assembly. The largest assembly space has been determined to be the existing multi-purpose hall with a maximum occupant load of 291 persons, requiring 58 parking spaces. The project provides 109 parking spaces and fulfills the parking requirement. The new gymnasium will be used for physical education classes only and will not contain seating for assemblies or other events.

Pursuant to Section 22.44.139 of the County Code, establishments in the La Crescenta - Montrose Community Standards District (CSD) are subject to the following development standards:

- At least 50 percent of the required front yard be landscaped and such landscaping shall include at least one minimum 15-gallon tree. The project contains existing front yard landscaping of about 64% of the entire front yard area and provides seven 15-gallon sized trees and meets this requirement.
- Where a lot or parcel of land is greater than 100 feet in average width, only one driveway shall be permitted within the required front yard for every 100 feet or portion thereof of lot width and each driveway shall not exceed 26 feet in width. The average width of the subject property is about 358 feet. The site contains two existing driveways that traverse the site's front yard. Both driveways meet the required spacing and width.
- Where a lot or parcel that is greater than 100 feet in average width, such lot or parcel shall have interior side yards of no less than 10 feet. The proposed gymnasium meets these minimum side yard requirements. A portion of the existing school structure near the east property line has a side yard setback of 2 feet, 7.5 inches. No changes are being proposed to the existing school structures and existing setbacks were previously approved under its current CUP.

#### Neighborhood Impact/Land Use Compatibility

The existing school and proposed gymnasium on the subject property is compatible with the surrounding residential neighborhood and will continue to provide an educational resource to the community. Schools are a permitted use in the R-3 Zone and the use is consistent with the scale of surrounding development.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:



1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The requested use conforms to the property's existing school use. The proposed gymnasium will be built on a site on the school's yard that currently contains the school's outdoor basket courts and is not expected to adversely affect the general welfare of the surrounding area.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed gymnasium will enclose the existing outdoor basketball courts located at the school. No other physical changes or increase in student enrollment is proposed. Therefore, the site is adequate is accommodate the existing school use and the new gymnasium.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The school is located in an urbanized area that is adequately served with all necessary infrastructure and service facilities to accommodate the proposed gymnasium.

#### **Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

#### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

The County of Los Angeles Department of Public Works has cleared the project to proceed to a public hearing and recommended conditions of approval in their letter dated February 8, 2015.

The County of Los Angeles Fire Department has cleared the project to proceed to a public hearing and recommended conditions of approval in their letter dated June 12, 2015.

#### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

#### **PUBLIC COMMENTS**

Staff has not received any comments at this time.

#### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-01021-(5), Conditional Use Permit Number 201500046, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500046 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan, Land Use Map

MM:SM  
4/5/16



**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01021-(5)  
CONDITIONAL USE PERMIT NO. 201500046**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500046 ("CUP") on April 5, 2016.
2. The permittee, the Armenian Sisters Academy ("permittee"), requests the CUP to authorize the construction of a new 13,120 square foot indoor exercise gymnasium as an accessory use to an existing private school (preschool to 8<sup>th</sup> grade) and to continue the operation of the existing school ("Project") on a property located at 2361 Florencita Drive in the unincorporated community of Montrose ("Project Site") in the R-3 (Limited Density Multiple Residence) zone pursuant to Los Angeles County Code ("County Code") section 22.20.290. The gymnasium will be used for student physical education classes only and provides no seating for spectators and will not be used for other events. The operation of the school was previously approved under CUP No. 200700040 in October 2009. In addition to the new gymnasium, the CUP would allow the continued operation of the school with a new grant term that will maintain the current maximum allowed student enrollment of 500 students and the school's current operating hours of 8:00 a.m. to 4:00 p.m., Monday through Friday for classes and 7:00 a.m. to 6:00 p.m., Monday through Friday for day care services.
3. The Project Site is 3.08 acres in size and consists of one legal lot. The Project Site is rectangular in shape with gentle-sloping topography and is developed with a preschool to 8<sup>th</sup> grade private school.
4. The Project Site is located in the Montrose Zoned District and is currently zoned R-3 (Limited Density Multiple Residence).
5. The Project Site is located within the 3 – Medium Density Residential land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: R-3 (Limited Density Multiple Residence), C-3 (General Commercial)
  - South: R-3, City of Glendale (N/A)
  - East: R-3, C-2-BE (Neighborhood Commercial – Billboard Exclusion)
  - West: R-3, R-2 (Two-Family Residence)
7. Surrounding land uses within a 500-foot radius include:
  - North: Multi-family Residences, Single-family Residences
  - South: Multi-family Residences, Single-family Residences, Commercial Retail and Office
  - East: Multi-family Residences, Single-family Residences
  - West: Multi-family Residences, Single-family Residences, Commercial Office
8. The Project Site was zoned R-3 in 1936. In 1995, Conditional Use Permit No. 95091 was approved for the operation and maintenance of the school. On October 20, 2009, Conditional Use Permit No. 200700040 was approved for the continued operation of the school.

9. The site plan for the Project depicts the existing school located on a 3.08 acre lot. The school consists of various classroom buildings and a multi-purpose hall building. The multi-purpose hall has a maximum occupancy load of 291 persons. The new 13,120 square foot gymnasium will be built to the north of the existing school buildings at a site that currently contains the school's outdoor basketball courts. School buildings front along Florencita Drive to the south. The site contains 109 parking spaces, with most parking spaces located to the north of the existing school buildings with vehicular access via a driveway off of Mira Vista Avenue to the north. Three (3) ADA parking spaces are located towards the front of the school and are accessed via a secondary driveway off of Florencita Drive. A third driveway off of Florencita Drive is located on the west side of the property.
10. The Project Site is accessible via Florencita Drive to the south and Miravista Avenue to the north. Primary access to the Project Site will be via an entrance/exit on Miravista Avenue. Secondary access to the Project Site will be via an entrances/exits on Florencita Drive.
11. The Project will provide a total of 109 parking spaces, which exceeds the Project's parking requirements. Section 22.52.1200 of the County Code states that schools with students above sixth grade shall provide parking for one automobile for each five persons, based on the occupant load of the largest auditorium or room used for public assembly. The largest assembly space has been determined to be the existing multi-purpose hall with a maximum occupant load of 291 persons, requiring 58 parking spaces.
12. The County Department of Public Works ("Public Works") has cleared the Project to proceed to a public hearing and recommended conditions of approval, which are included in the Project's conditions. The County Fire Department ("Fire Department") has cleared the project to proceed to a public hearing and recommended conditions of approval, which are included in the Project's conditions.
13. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 14 Minor Additions to Schools, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Categorical Exemption Class 14 allows for minor additions to existing schools within existing school grounds where the addition does not increase the original student capacity by more than 25% or ten classrooms, whichever is less. The Project is proposing the addition of a new school gymnasium to be used for physical education classes only and is not proposing any seating for spectators or for events. The project does not propose increasing its current allowed maximum enrollment of 500 students and is not proposing any additional classrooms.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Staff has not received any public comments.
16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that the Project Site is located within the 3 – Medium Density Residential land use category of the Los Angeles County General Plan. This designation is intended for areas suitable for multiple unit development. Within areas designated for

residential use, a variety of other uses, such as schools, exist and General Plan policy does not preclude such uses within areas depicted as residential. The existing school and proposed new school gymnasium is compatible with its current land use designation and is therefore consistent with the permitted uses of the underlying land use category.

18. The Hearing Officer finds that the Project does not conflict with the development standards prescribed under County Code for establishments in the R-3 Zone and in the La Crescenta – Montrose Community Standards District.
19. The Hearing Officer finds that the requested use conforms to the property's existing school use. The proposed gymnasium will be built on a site on the school's yard that currently contains the school's outdoor basket courts and is not expected to adversely affect the general welfare of the surrounding area.
20. The Hearing Officer finds that the proposed gymnasium will enclose the existing outdoor basketball courts located at the school. No other physical changes or increase in student enrollment is proposed. Therefore, the site is adequate to accommodate the existing school use and the new gymnasium.
21. The Hearing Officer finds that the school is located in an urbanized area that is adequately served with all necessary infrastructure and service facilities to accommodate the proposed gymnasium.
22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 20 years.
23. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Montrose community. On February 29, 2106, a total of 715 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Montrose Zoned District and to any additional interested parties.
24. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15314 of the State CEQA Guidelines (Class 14, Minor Additions to Schools categorical exemption); and
- 2. Approves Conditional Use Permit No. 201500046, subject to the attached conditions.

**ACTION DATE: April 5, 2016**

MM:SM  
04/05/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01021-(5)  
CONDITIONAL USE PERMIT NO. 201500046**

**PROJECT DESCRIPTION**

The project is a Conditional Use Permit for the construction of a new indoor exercise gymnasium as an accessory use to an existing private school (preschool to 8<sup>th</sup> grade) and to continue the operation of the existing school subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.



At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on April 5, 2036.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit, Parking Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the school and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall



be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **June 5, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PROJECT SITE SPECIFIC CONDITIONS**

19. This grant shall authorize the construction of a new indoor exercise gymnasium as an accessory use to an existing private school (preschool to 8<sup>th</sup> grade) and to continue the operation of the existing school.
20. The permittee shall provide a minimum of 58 parking spaces.
21. This grant allows the operation of an existing private school and the construction of a new indoor exercise gymnasium as an accessory use subject to the following restrictions as to use:
  - a. The maximum enrollment at any time shall be 500 students;
  - b. Grade levels shall be limited to pre-school through eighth grade;
  - c. The facility shall be operated in compliance with all applicable provisions of the California Education Code;
  - d. Bells, whistles, or amplified sounds audible outside the boundaries of the subject property shall be prohibited;
  - e. Classes shall be conducted between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday;
  - f. Day care services may be provided between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday;
  - g. Outdoor special events, including but not limited to carnivals, swap meets, car washes, and other fundraising events, shall be prohibited unless authorized by a Temporary Use Permit as provided by Part 14 of Section 22.56 of the County Code.
22. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated February 8, 2016.
23. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated June 12, 2016.

**Attachments:**

Public Works Department Letter dated February 8, 2016

Fire Department Letter dated June 12, 2016



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-2

February 8, 2016

TO: Maria Masis  
Zoning Permits East Section  
Department of Regional Planning  
Attention Steve Mar

FROM: Art Vander Vis  
Land Development Division  
Department of Public Works

**DRP PROJECT NO. R2015-01021**  
**CONDITIONAL USE PERMIT (CUP) NO. 201500046**  
**2361 FLORENCITA AVENUE**  
**ASSESSOR'S MAP BOOK NO. 5807, PAGE 22, PARCEL NO. 25**  
**UNINCORPORATED COUNTY COMMUNITY OF MONTROSE**

Thank you for the opportunity to review the site plan and zoning permit application for the project located at 2361 Florencita Avenue in the unincorporated County community of Montrose. The project is to enclose the existing basketball courts within a metal building including an athletic office, storage room, and restroom facilities. The project is located in an R-3 (Limited Multiple Residence) zone in the Montrose Zoned District and within the La Crescenta-Montrose Community Standards District of Los Angeles County. The area of the new structure is approximately 13,120 square feet.

- ☒ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.
- ☐ Public Works has comments on the submitted documents and, therefore, a public hearing shall **NOT** be scheduled until the following comments have been addressed:

### Road

1. Close the unused driveway along the northerly property frontage on Mira Vista Avenue with standard curb, gutter, and sidewalk.

2. Construct the proposed driveway on Mira Vista Avenue, near the northeast corner of the property, to meet current American with Disabilities Act guidelines.
3. Provide and continuously maintain adequate sight distance (10 feet minimum) from the proposed driveway to the back of the sidewalk to the satisfaction of Public Works. This means there cannot be any obstructions, such as landscaping or block walls, above 3.5 feet in height within the 10 foot sight triangle. Since the sight triangle extends into the adjacent property (APN 5807-022-019), the applicant shall work with that owner to dedicate a 10-foot airspace easement for the purposes of maintaining the line of sight to the sidewalk. Should the applicant not be able to produce the necessary dedication documents, the driveway location will need to be relocated to accommodate adequate line of sight. It shall be the sole responsibility of the applicant to obtain the necessary off-site easements.
4. Construct drainage devices (parkway drains/curb drains), if applicable, at the project location and execute a drainage covenant for the maintenance of said devices to the satisfaction of Public Works.
5. Plant street trees along the property frontage on Mira Vista Avenue to the satisfaction of Public Works. Please contact Public Works' Road Maintenance Division, Maintenance District 1, at (626) 337-1277 to obtain information regarding the desirable tree species to be planted along the property frontage. Any existing trees in the right of way shall be removed and replaced if not acceptable as street trees.
6. Provide a maintenance agreement/covenant for privately maintained landscape within the parkway along Mira Vista Avenue.
7. Submit street improvement plans and acquire street plan approval before obtaining a grading/drainage permit.
8. Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road comments, please contact Ed Gerlits of Public Works' Land Development Division at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

#### Grading/Drainage

1. Submit a grading/drainage plan, for approval to the satisfaction of Public Works. The grading plans must show and call out the construction of at least all drainage devices and details and paved driveways, and elevation and drainage of all pads, the water quality devices, and Low-Impact Development (LID) features. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.
2. Comply with LID per County Code Section 12.84.460. The LID Standards Manual can be found at <http://dpw.lacounty.gov/ldd/web/>.
3. Provide a maintenance agreement/covenant for privately maintained drainage devices.
4. Obtain soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division.

For questions regarding the grading comments, please contact Mr. Gerlits at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

#### Building and Safety

1. Submit building plans to Public Works' Building and Safety Division, San Gabriel Valley District office, for review and permit issuance.

For questions regarding the building and safety comment, please contact Fady Khalil of Building and Safety Division at (626) 574-0941 or [fkahalil@dpw.lacounty.gov](mailto:fkahalil@dpw.lacounty.gov).

For questions regarding the site plan, conditions, or if you require additional information, please contact Mr. Gerlits at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

ECG:tb



**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2015-01021

MAP DATE: 11/25/15

LOCATION: 2361 Florencita Ave., Montrose

PLANNER: Steve Mar

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**REVISED CONDITIONS: Supersedes Fire Dept. Comments Dated 06/12/2015**

**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

**CONDITIONS OF APPROVAL – ACCESS**

1. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
2. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
3. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
4. The edge of the fire access roadway shall be located a minimum of 5 feet from the building or any projections there from.
5. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
6. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2





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7. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
8. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
9. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4
10. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
11. The gradient of Fire Department vehicle access roads shall not exceed 15 percent unless approved by the fire code official. Fire Code 503.2.7
12. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
13. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
14. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4



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15. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1
16. Security barriers, visual screen barriers or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Fire Code 504.5
17. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

### CONDITIONS OF APPROVAL – WATER SYSTEM

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
2. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
3. The required fire flow for the public fire hydrants for this project is 2500 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
  - a. Per the fire flow data noted on Sheet A1.1, the fire flow is adequate for Type IIB Construction.



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PROJECT: R2015-01021

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- b. The fire flow is adequate per the flow test fire flow test performed by the Crescenta Valley Water District dated 02/25/15.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at [Wally.Collins@fire.lacounty.gov](mailto:Wally.Collins@fire.lacounty.gov).

## **Photographs**



Photo #1: View of existing Entry Ramp Driveway into the school parking and outdoor exercise area.



Photo #2: View of existing outdoor exercise area and Mira Vista Ave in the background.





Photo #3: View of existing Entry Ramp driveway into school parking and Mira Vista Ave.



Photo #4: View from Mira Vista Ave. looking at the entry ramp driveway into the school parking.



Photo #5: View from Mira Vista Ave. looking at entry ramp driveway into the school parking.



Photo #6: View from Mira Vista Ave. looking at school outdoor exercise area.





Photo #7: View from Mira Vista Ave. looking at school outdoor exercise area and existing parking.



Photo #8: View from Mira Vista Ave. looking at school outdoor exercise area and existing ramp driveway.



Photo #9: View from Mira Vista Ave. looking at school parking.



Photo #10: View from Mira Vista Ave. looking East at school.





Photo #11: View from Mira Vista Ave. looking East at school ramp driveway.



Photo #12: View from Mira Vista Ave. looking West at school.

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** Pursuant to the provisions of Section 22.56, Part 1 of the Los Angeles County Code, a conditional use permit to authorize the continued operation and maintenance of a private school in an R-3 (Limited Multiple Residence) zone, located in the Montrose Zoned District and within the La Crescenta-Montrose Community Standards District of Los Angeles County.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

October 20, 2009 Public Hearing

A duly noticed public hearing was held before the Hearing Officer on October 20, 2009. The applicant's representatives, Bedros Darkjian and Jack Berberian, were sworn in and testified in favor of the project. The Hearing Officer, Mr. John Gutwein, requested that the conditions of approval be modified to specifically limit the school to educating students between pre-school and eighth grade levels. He also requested that a condition be added requiring a minimum of three (3) handicapped parking spaces on the project site. Mr. Gutwein subsequently closed the public hearing and approved the conditional use permit.

Findings

1. The applicant, Armenian Sisters Academy, seeks a conditional use permit to authorize the continued operation and maintenance of a private school of 500 students, pre-school through eighth grade, in an R-3 (Limited Multiple Residence) zone, located in the Montrose Zoned District and within the La Crescenta-Montrose Community Standards District.
2. The project area is relatively urbanized and is surrounded by residential uses in all directions. The site is located within the community of Montrose within the La Crescenta-Montrose Zoned District of unincorporated Los Angeles County.
3. The project site is zoned R-3 (Limited Multiple Residence) and is located within the La Crescenta-Montrose Community Standards District.
4. The subject property is approximately 3.08 acres and is slightly sloping to the north. It is developed with various school buildings totaling 26,000 square feet of building footprint area and other appurtenant facilities, including 107 off-street parking spaces. School buildings front along Florencita Avenue to the south, although vehicular access to the facility is from the north via a private driveway connecting the rear parking lot to Mira Vista Avenue. This parking lot sits at a level approximately five (5) feet below the grade of Mira Vista Avenue, and as a result the access driveway has a downward grade of approximately 20%.
5. Surrounding properties are zoned as follows:  
North: R-3 (Limited Multiple Residence)

South: R-3 (Limited Multiple Residence)  
East: R-3 (Limited Multiple Residence)  
West: R-3 (Limited Multiple Residence)

6. The surrounding land uses consists of the following:  
North: Single-family residences; Apartments  
South: Single-family residences; Apartments  
East: Single-family residences; Apartments  
West: Single-family residences; Apartments
7. The operation and maintenance of the existing school was previously authorized by CP 95091, which was approved in 1995 and expired in 2005.
8. The Department of Regional Planning has determined that the project qualifies for a Class 1 Categorical Exemption (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.
9. A total of 532 public hearing notices were mailed out to property owners located within the 1,000-foot radius of the subject property and other interested parties on September 15, 2009, regarding the subject proposal. The notice was published in the *Glendale News-Press* and in *La Opinion* on September 17, 2009. Case-related materials were sent to the Crescenta-Montrose Library and posted on the Regional Planning web page. The public hearing notice was also posted at the project site for a minimum of 30 days prior to the hearing date.
10. Staff consulted with both the Department of Public Works and the County Fire Department regarding the project proposal. Public Works recommended approval of the project, as they had no requests for additional street improvements or dedications. County Fire initially put a hold on the project, pending a fire flow test and verification of the distance from the nearest fire hydrant. This hold was lifted and the project cleared for public hearing in July 2009.
11. Staff has not received any public agency comments regarding this project proposal.
12. Staff has not received any comments from the public regarding this project proposal.
13. The development standards listed in the County Code for R-3 zoning indicate that schools are permitted upon issuance of a conditional use permit (CUP).
14. Section 22.52.1200 of the County Code determines parking requirements for schools. For all schools with students above sixth grade, one automobile parking space is required for each five persons, based on the occupant load of the largest auditorium or room used for public assembly. For this facility, the largest assembly space has been determined by the Division of Building & Safety to have a maximum occupancy of 452 persons. Therefore, 90 off-street parking spaces are

required. As 107 spaces are currently provided on-site, the facility is determined to have adequate parking facilities.

15. The La Crescenta-Montrose Community Standards District (CSD) requires that, within the R-3 (Limited Multiple Residence) zone, a minimum of 50% of required front yards be landscaped and at least one 15-gallon tree be planted. Approximately 76% of the existing required front yard is landscaped, which meets CSD standards. However, there are currently no trees planted within the landscaping. In order for the property to meet the CSD requirements as much as possible, a condition of approval shall be added that at least one (1) tree of 15 gallons or more be planted in the existing front yard.
16. The proposed project would conform to all other applicable zoning and CSD standards.
17. The project property is 3.08 acres and contains four (4) classroom buildings, an administration building, and a multi-purpose building, all totaling approximately 26,000 square feet of building footprint area. The largest of these, the two-story multi-purpose building, has a maximum occupancy load of 452 persons for its largest assembly area. Landscaping and play areas are also included on the site, which is currently permitted to serve a maximum of 500 students. Total landscaped area on the site is approximately 12,000 square feet (0.28 acres).
18. A total of 107 parking spaces are included on the site, two (2) of which are reserved for the handicapped. The school structures have frontage on Florencita Avenue, while the adjacent parking lot to the rear is accessed via a driveway to Mira Vista Avenue to the north. There is also a small parking lot—containing 14 of the 107 spaces—and two (2) service driveways that take access from Florencita Avenue.
19. There are two (2) wall signs for the school, one of which (2'x8') faces Florencita Avenue, and the second of which (2'x12') faces Mira Vista Avenue. The minimum existing front setback of the facility is 15 feet, while the rear setback is 175 feet. The side-yard setbacks are 20 feet and 8 feet, to the west and east, respectively.
20. The existing school has operated for approximately 14 years without a public complaint or zoning enforcement action. Therefore, it is unlikely that its continuance would adversely affect the health, comfort, or welfare of the surrounding community.
21. The applicants have requested that a grant term longer than ten years be considered, as the school is a nonprofit facility and is therefore more encumbered by the high application filing fees for a CUP. Because the school has already operated for 14 years without problems, the Hearing Officer is willing to issue a 20 year grant term.



BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G
- 2. In view of the findings of facts presented above, Conditional Use Permit Case No. 200700040 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions  
Affidavit of Acceptance

- c: Commission Services, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the continued operation and maintenance of a private school, containing pre-school through eighth grade students, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and until all required fees have been paid pursuant to Conditions No. 9 and 10. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4 [indemnification], 5 [litigation deposit], and 6 [expiration date] shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant shall terminate on October 20, 2029.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operation after such date, a new conditional use permit application shall be filed with the Department of Regional Planning prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 biennial inspections. Inspections shall be unannounced

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a

hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health and safety or so as to be a nuisance.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. In the event of an occurrence of such extraneous markings, drawings, or signage, the permittee shall remove or cover them within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A."
17. The permittee shall provide a minimum of 90 off-street parking spaces, developed to the specifications listed in Section 22.52.1095 of the Los Angeles County Code.
18. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises under which the permittee has control.
19. This grant allows the operation of a private school subject to the following restrictions as to use:
  - a. The maximum enrollment at any time shall be 500 students;
  - b. Grade levels shall be limited to pre-school through eighth grade;
  - c. The facility shall be operated in compliance with all applicable provisions of the California Education Code;
  - d. Bells, whistles, or amplified sound audible outside the boundaries of the subject property shall be prohibited;
  - e. Classes shall be conducted only between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.
  - f. Day care services may be provided between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday;

- g. Outdoor special events, including but not limited to carnivals, swap meets, car washes, and other fundraising events, shall be prohibited unless authorized by a temporary use permit as provided by Part 14, Chapter 45, Title 22 of the County Code.
- 20. Within ninety (90) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of an elevation for the existing two-story multi-purpose building.
- 21. Within ninety (90) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a revised site plan depicting three (3) parking spaces reserved for the handicapped. These parking spaces shall be adequately striped and maintained as provided by Section 22.52.1070 of the County Code.
- 22. At least one (1) tree of 15 gallons or more shall be planted within the required front yard, as per the requirements of the La Crescenta-Montrose Community Standards District. This tree shall be depicted on the approved Exhibit "A."

MM:TM  
10/21/09